



**SO ORDERED,**

*Katharine M. Samson*

**Judge Katharine M. Samson  
United States Bankruptcy Judge  
Date Signed: February 1, 2023**

**The Order of the Court is set forth below. The docket reflects the date entered.**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
GULFPORT**

IN RE:	)	CHAPTER 13
	)	
SHELTON DAVIS DOAN, DEBTOR,	)	CASE NO. 21-50100-KMS
<i>AKA SHELTON D DOAN,</i>	)	
APRIL NICOLE DOAN, DEBTOR	)	
	)	
	)	
	)	
	)	
FREEDOM MORTGAGE CORPORATION	)	MOVANT
	)	
VS.	)	
	)	
SHELTON DAVIS DOAN, DEBTOR,	)	RESPONDENTS
<i>AKA SHELTON D DOAN,</i>	)	
APRIL NICOLE DOAN, DEBTOR	)	
	)	
	)	

**AGREED ORDER RESOLVING MOTION FOR RELIEF FROM THE AUTOMATIC  
STAY AND FOR ABANDONMENT OF PROPERTY [DOCKET # 53]**

This Matter was scheduled to come before the court on January 19, 2023, upon the Motion for Relief from the Automatic Stay and to Abandon Property [Docket #53] (hereinafter *Motion for Relief*) of Freedom Mortgage Corporation (“Movant”), and Debtors’ response [Docket #59], regarding the real property and improvements located at and commonly known

**228 Beth Rd, Lucedale, Mississippi 39452** (“Property”), lying and being situated in the Southern Judicial District of George County, Mississippi, and more particularly described as follows:

Section 27: A parcel of land being Situated in the SE ¼ of Section 27, Township 2 South, Range 7 West and James Measles Confirmation No. 43, Township 2 South, Range 7 West, George County, Mississippi, and being more particularly described as follows:

Beginning at a set 1/2" diameter iron pin at the SW corner of the SW 1/4 of SE 1/4, Section 27, said Township and Range; thence run North 00 degrees 40 minutes 41 seconds East 248.70 feet to a set 1/2" iron pin; thence run South 48 degrees 39 minutes 19 seconds East 183.57 feet to a set 1/2" diameter iron pin; thence run South 65 degrees 44 minutes 44 seconds East 380.70 feet to a set 1/2" diameter iron; thence run South 00 degrees 40 minutes 41 seconds West 781.96 feet to a set ½ " diameter iron pin; thence run South 89 degrees 50 minutes 11 seconds West 483.96 feet to a set 1/2" diameter iron pin; thence run North 00 degrees 40 minutes 41 seconds East 817.06 feet back to the Point of Beginning. Containing 10.00 acres, more or less. The Grantor is reserving a 30 foot non-exclusive right-of-way along the North 30 foot of this 10.00 acres parcel. Subject to any existing easements and/or right-of-ways

Grantor also grants unto Grantee a non-exclusive Right-of-way easement approximately 30 feet in width over, through and across a parcel, the centerline of which is described as follows:

Commencing at the NW corner of the NW ¼ of NW 1/4 , Section 35, Township 2 South, Range 7 West, George County, Mississippi said commencing point being South 00 degrees 07 minutes 00 seconds East 359.20 feet; thence run North 85 degrees 00 minutes 00 seconds East 12.29 feet; thence run South 81 degrees 00 minutes 00 seconds East 200.00 feet; thence run North 81 degrees 30 minutes 00 seconds East 502.89 feet to point of ending. Being situated in the NW 1/4 of NW 1/4, Section 35, Township 2 South, Range 7 West, George County, Mississippi.

Commencing at the NW corner of the NW 1/4 of NW 1/4, Section 35, Township 2 South, Range 7 West, George County, Mississippi, said commencing point being South 00 degrees 07 minutes 00 seconds East 359.20 feet; thence run South 85 degrees 00 minutes 00 seconds West 187.71 feet; thence run North 36 degrees 00 minutes 00 seconds West 365.00 feet; thence South 81 degrees 00 minutes 00 seconds West 15.74 feet; thence run South 81 degrees 00 minutes 00 seconds West 475.00 feet to point. Thence run Westerly along existing woods to a point on the West line of the SW 1/4 of SE ¼ of Section 27, Township 2 South, Range 7 West in George County.

This Right-of-way easement is located in Section 35, 43, and 27 all in Township 2 South, Range 7 West.

Notice of the hearing was given for the above date, and based upon the pleadings, and other filings herein, and further, upon the consent of all parties, it is hereby

**ORDERED** that the Motion for Relief is conditionally denied. The parties agree as follows: KMS

**IT IS FURTHER ORDERED** that Debtor owes Movant, consisting of the following:

**Shelton Davis Doan and April Nicole Doan Mortgage Arrearage**

<b><u>Begin</u></b>	<b><u>End</u></b>	<b><u># Mos.</u></b>	<b><u>Monthly Amount</u></b>	<b><u>Total</u></b>
<b>Post-Petition:</b>				
10/1/2022	03/01/2023	6	\$1,894.85	\$11,369.10
Attorney Fees				\$500.00
Filing Fee				\$188.00
Arrearage				\$12,057.10
Less: Suspense				<u>(\$1,755.96)</u>
<b>Total Arrearage</b>				<b>\$10,301.14</b>

**IT IS FURTHER ORDERED** that Debtors' post petition arrearage of \$10,301.14 shall be placed in Debtors' Chapter 13 Plan along with Debtors' ongoing mortgage payment, and Debtors' plan payment shall be adjusted as necessary by the Chapter 13 Trustee to allow for satisfaction of the arrearage over the remaining plan term and to pay the ongoing mortgage payment. Movant may file an additional claim to be paid at that rate, or this order may control.

**IT IS FURTHER ORDERED** that in the event the Trustee does not receive any plan payments from Debtors (beginning with the April 1, 2023 payment) within sixty (60) days from the date such payment comes due, and after a fourteen (14) day written notice of default to Debtors and Debtors' attorney, the stay provided under 11 U.S.C. §362 and 11 U.S.C. §554 (abandonment of property of the estate) shall terminate automatically without further order of this Court, as it relates to the enforcement of the lien regarding the aforementioned property, and Movant, its successors and assigns, shall be free to enforce any and all of their respective rights, title and interest in and to the aforementioned property, including, but not limited to, foreclosure,

in accordance with the provisions of the Note and Deed of Trust and the laws of the State of Mississippi. The provisions of this Order shall continue to remain in force and effect upon the conversion of this case to any other chapter of the Bankruptcy Code.

**##END OF ORDER##**

Approved, Prepared and Submitted by:

/s/ Karen A. Maxcy

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*Attorney for Movant*

Approved and Agreed to:

/s/ Thomas Carl Rollings, Jr.

Thomas Carl Rollins, Jr  
*Attorney for Shelton Davis Doan  
and April Nicole Doan*

/s/ Phillip Brent Dunnaway  
*Attorney for Warren A. Cuntz, Jr.*  
*Chapter 13 Trustee*